(4)

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

W.P.No. 861 of 2001

PETITIONER : GANESH PRASAD DEWANGAN, aged 43 years, son of Shri Ram Pyare Dewangan, Sub-Auditor, Office of the Deputy Director, Panchyat Awam Samaj Sewa, JAGDALPUR, Distt.Bastar.

V E R S U S

RESPONDENTS :

1. STATE ADMINISTRATIVE TRIBUNAL OF MADHYA PRADESH RAIPUR.
   Through: The Registrar, State Administrative Tribunal, Raipur Chhattisgarh.
2. STATE OF CHHATTISGARH,
   Through: The Secretary, Panchyat Awam Samaj Sewa Department, Raipur C.G.
3. COLLECTOR (BASTER) Jagdalpur Distt. Bastar (C.G.).
4. CHIEF EXECUTIVE OFFICER, Zila Panchayat Baster C.G.
5. DEPUTY DIRECTOR (Panchayat) Jagdalpur, Distt. Baster C.G.

संयुक्त आयुक्त, 10/12/01

P. N. No. 861/01 Presented by Shri ... dated 10.12.01

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No. 861 सन् 200 1

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	D.B: Hon'ble Shri Justice P.C.Naik & Hon'ble Shri Justice Fakhruddin, JJ. **21.01.2003** Smt. Renu Kochar, counsel for the petitioner. Shri Sanjay K. Agrawal, Dy. A.G. for the State. Though this matter is listed in motion hearing, but with the consent of the parties it is being finally heard and disposed of. This petition is directed against the order dated 17.11.2000 whereby O.A.No.1144/2000 filed by the petitioner was dismissed by the State Administrative Tribunal at the admission stage. Before theTribunal, the petitioner had challenged the order Annexure P/16, dated 19.07.2000 whereby the respondents had directed the applicant that it will not be possible for them to pay his salary if directions contained in the order dated 19.07.2000 (Annexure P/16 are not complied with. Admittedly, the petitioner had not made any representation/appeal to the Government as contemplated under Section 20 of the Administrative Tribunal Act, 1985. Accordingly, it was held by the Tribunal that the O.A. was premature and accordingly it was dismissed on that ground with a remark that "the applicant is empowered to file a fresh petition after complying with the provisions as contained under Section 20 of the Administrative Tribunal Act."	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

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Having heard learned counsel for the petitioner and the State Counsel, we are of the opinion that there is no error committed by the Tribunal so as to warrant interference in the order which, we feel, does not prejudice the petitioner in any way. Accordingly, the Court is not inclined to entertain the petition which stands disposed of at the admission stage with a direction to the respondents that in case the petitioner files a representation/appeal to the appropriate/competent Authority raising objection to the said Order dated 19.7.2000 (Annexure P/16 before the Tribunal), his representation/appeal shall be considered by the said Authority within a period of 60 days from the receipt/communication of this order. It is made clear that this Court is not expressing any opinion on the merits of the case of the petitioner and if the petitioner files such representation/appeal, the same shall be considered and disposed of on its own merits and in accordance with law.

With the above directions and observations, the petition stands disposed of.

Sd/-
P.C. Naik
Judge

Sd/-
Fakhruddin
Judge